

Notice of Allowability

Application No.

09/610,630

Examiner

Christian La Forgia

Applicant(s)

BEARDEN ET AL.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 August 2004.
2. ☒ The allowed claim(s) is/are 1,5-26 and 30-42.
3. ☒ The drawings filed on 05 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Thomas Stafford (Registration No. 24,767) on 27 October 2004.

3. The application has been amended as follows:

(Claim 1) A method for use in a policy goal-based management system employing service level goals for a computer network having one or more network resources comprising the steps of:

enabling a system administrator to specify predefined service level goals for said computer network;

specifying a prescribed quality of service goal for a prescribed client and prescribed service;

executing policy goal-logic to automatically enforce said specified quality of service goal, wherein said policy goal-logic is comprised in a general purpose computer program;

monitoring a delivered quality of service for said specified quality of service goal being executed by said policy goal-logic, said monitoring a delivered quality of service including continuously monitoring states of said computer network resources assigned to said prescribed client and said prescribed service;

Art Unit: 2131

determining if said delivered quality of service is different than said specified quality of service goal; and

if so, said policy goal-logic executing prescribed actions regarding network resources assigned to said client for said prescribed service, wherein said actions are intended to adjust said delivered quality of service toward being equal to said specified quality of service goal,

wherein said policy goal-action executes said prescribed actions without the system administrator having to specify said prescribed actions to said policy goal-logic intended to enforce said specified quality of service goal.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 August 2004 has been entered.

5. Claims 1-42 have been presented for examination.

6. Claims 2-4 and 27-29 have been cancelled as per Applicant's request.

Response to Amendment

7. The declaration filed on 12 August 2004 under 37 CFR 1.131 is sufficient to overcome the Pandya reference.

8. The Applicant shows conception throughout Exhibit A. For instance, enabling a system administrator to specify predefined service level goals for said computer network can be drawn to the line the expert utilizes the software interfaces and framework we describe in this paper to

Art Unit: 2131

produce the procedural logic. Specifying a prescribed quality of service goal for a prescribed client and prescribed service and executing policy goal-logic to automatically enforce said specified quality of service goal, wherein said policy goal-logic is comprised in a general purpose computer program is discussed in Sections 4.1 and 4.5.x wherein Exhibit A discloses the use of a policy package to ensure a certain level of quality service for a client and a service and executing and enforcing the policies set further by the PackageLoader. Exhibit A discloses the monitoring and determining steps in Sections 6.1 and 6.2.

9. The Applicant discusses a physical embodiment and provides a detailed description of how the claimed invention would be implemented thereby showing a reduction to practice. Exhibit A further illustrates the reduction to practice by specifically listing programming languages (C++ and Java), showing various implemented programming methods (Tables 3 and 4), discussing program used to implement the policies established (*WebQoS*), and describing the user interaction with the system (Sections 6.1- 6.3).

Response to Arguments

10. Applicant's arguments, see pages 11-13, filed 14 August 2004, with respect to claims 1, 5-26, and 30-42 have been fully considered and are persuasive. The rejection of claims 1, 5-26, and 30-42 has been withdrawn.

Allowable Subject Matter

11. Claims 1, 5-26, and 30-42 are allowed.

12. As per claims 1 and 26, it is well known in the art for a policy goal-based management system employing service level goals for a computer network having one or more network resources comprising the steps of:

Art Unit: 2131

enabling a system administrator to specify predefined service level goals for said computer network;

specifying a prescribed quality of service goal for a prescribed client and prescribed service;

executing policy goal-logic to automatically enforce said specified quality of service goal, wherein said policy goal-logic is comprised in a general purpose computer program;

monitoring a delivered quality of service for said specified quality of service goal being executed by said policy goal-logic, said monitoring a delivered quality of service including continuously monitoring states of said computer network resources assigned to said prescribed client and said prescribed service;

determining if said delivered quality of service is different than said specified quality of service goal.

13. There are no teachings in the prior art of the policy goal-logic executing prescribed actions regarding network resources assigned to said client for said prescribed service, wherein said actions are intended to adjust said delivered quality of service toward being equal to said specified quality of service goal, and wherein said policy goal-action executes said prescribed actions without the system administrator having to specify said prescribed actions to said policy goal-logic intended to enforce said specified quality of service goal.

14. Since no teachings or motivation can be found of the policy goal-logic executing prescribed actions regarding network resources assigned to said client for said prescribed service, wherein said actions are intended to adjust said delivered quality of service toward being equal to said specified quality of service goal, and wherein said policy goal-action executes said

Art Unit: 2131

prescribed actions without the system administrator having to specify said prescribed actions to said policy goal-logic intended to enforce said specified quality of service goal, claims 1, 5-26, and 30-42 are therefore novel and non-obvious.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792.


The examiner can normally be reached on Monday thru Thursday 7-5.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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